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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,662	11/26/2003	Keith Goclowski	02-065-KG	5143
7590	07/30/2010		EXAMINER	
LAMBERT & ASSOCIATES SUITE 200 92 STATE ST BOSTON, MA 02109			MISIASZEK, MICHAEL	
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1           UNITED STATES PATENT AND TRADEMARK OFFICE

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4           BEFORE THE BOARD OF PATENT APPEALS  
5           AND INTERFERENCES  
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7  
8           *Ex parte* KEITH GOCLOWSKI  
9

10  
11           Appeal 2009-006885  
12           Application 10/722,662  
13           Technology Center 3600  
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18       Before MURRIEL E. CRAWFORD, ANTON W. FETTING, and  
19       JOSEPH A. FISCHETTI, *Administrative Patent Judges*.

20  
21       CRAWFORD, *Administrative Patent Judge*.

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23  
24           DECISION ON APPEAL<sup>1</sup>

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<sup>1</sup>The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the “MAIL DATE” (paper delivery mode) or the “NOTIFICATION DATE” (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

1 STATEMENT OF THE CASE

2 Appellant appeals under 35 U.S.C. § 134 (2002) from a Final  
3 Rejection of claims 1 and 3-8. We have jurisdiction under 35 U.S.C. § 6(b)  
4 (2002).

5 Appellant invented systems and methods for vehicle auctions  
6 augmented by the use of computer systems and networks (Spec. 2:11-12).

7 Independent claim 1 under appeal reads as follows:

- 8           1. An interactive vehicle auction and sale  
9           system comprising:
  - 10           a plurality of computers;
  - 11           a computer network enabling  
12           communication between said plurality of  
13           computers;
  - 14           a plurality of user interface terminals in  
15           connection with said computer network, said  
16           terminals utilized to display an amount of auction  
17           and sales information and to input a series of  
18           auction bids;
  - 19           a plurality of databases and corresponding  
20           database servers for storage of an amount of  
21           vehicle statistics;
  - 22           an input computer in communication with  
23           said network to receive and to route said amount of  
24           auction and sales information to a plurality of  
25           database servers;
  - 26           a web server in communication with said  
27           plurality of user interface terminals and said  
28           plurality of database servers, through said network,  
29           said web server utilized to control said vehicle  
30           auction and sale system, coordinate said series of  
31           auction bids and maintain communications  
32           between said plurality of user interface terminals  
33           and a plurality of servers;
  - 34           an applications server in communication  
35           with said network and said user interface

1           terminals; said applications server containing a  
2           system software program for operating said  
3           interactive vehicle auction and sale system;  
4                 a vehicle image and video server in  
5           communication with said network and said user  
6           interface terminals, containing a plurality of  
7           electronic vehicle images and a plurality of vehicle  
8           video media to be accessed by said user terminals;  
9                 a template server in communication with  
10          said network and said user interface terminals,  
11          containing a plurality of templates to be accessed  
12          by said user interface terminals in conjunction with  
13          said system software program, an amount of data  
14          from said template server utilized as a plurality of  
15          interactive computer screens;  
16          a plurality of mail servers in communication  
17          with said network, said plurality of mail servers  
18          utilized to receive an amount of auction and sales  
19          information from said users; said mail servers also  
20          utilized to respond to said users;  
21          a plurality of protection mechanisms  
22          contained within said network to protect said  
23          database servers from unwanted access;  
24          a bank system connection in communication  
25          with said network to enable verification of a credit  
26          line of a vehicle purchaser; and  
27          an auction timer, wherein said auction timer  
28          controls an amount of time allotted for said  
29          interactive vehicle auction and a readout of said  
30          timer is displayed on said user interface terminals.  
31

32         The prior art relied upon by the Examiner in rejecting the claims on  
33         appeal is:

34	Berent	US 5,774,873	Jun. 30, 1998
35	Alaia	US 2002/0046148 A1	Apr. 18, 2002
36	Friedland	US 6,449,601 B1	Sep. 10, 2002

Appeal 2009-006885  
Application 10/722,662

The Examiner rejected claims 1 and 3-8 under 35 U.S.C. § 103(a) as being unpatentable over Berent in view of Friedland and Alaia.

3 We REVERSE.

4

ISSUE

6 Did the Examiner err in asserting that a combination of Berent,  
7 Friedland, and Alaia renders obvious a combination of elements including  
8 “an auction timer” as recited in independent claim 1 and dependent claim 3?

9

## FINDINGS OF FACT

Alaia discloses that many systems are biased towards the supplier offering the electronic market. Procurement costs can be further lowered with an unbiased electronic market that promotes competition (para. [0006]).

14

## ANALYSIS

16        We are persuaded that the Examiner erred in asserting that a  
17 combination of Berent, Friedland, and Alaia renders obvious a combination  
18 of elements including “an auction timer” as recited in independent claim 1  
19 and dependent claim 3 (App. Br. 16-21). Even assuming that Alaia discloses  
20 an auction timer, the Examiner has not provided a convincing line of  
21 reasoning for combining the auction timer of Alaia with Berent and  
22 Friedland to render obvious the subject matter of independent claim 1. *See*  
23 *In re Oetiker*, 977 F.2d 1443, 1447 (Fed. Cir. 1992).

24 The Examiner points to paragraph [0006] of Alaia as providing such  
25 reasoning, however, the Examiner has made no findings as to how a bias  
26 "towards the supplier offering the electronic market" and lowering

Appeal 2009-006885  
Application 10/722,662

1 procurement costs with an unbiased, competitive electronic market, makes it  
2 obvious to combine an auction timer with the disclosures of Berent and  
3 Friedland. *See In re Oetiker*, 977 F.2d at 1447 (the examiner must present a  
4 convincing line of reasoning as to why the artisan would have found the  
5 claimed invention to have been obvious in light of the teachings of the  
6 references).

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## 8 DECISION

9 The decision of the Examiner to reject claims 1 and 3-8 is reversed.

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11 REVERSED

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